IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.579 OF 2006

IN

SUMMARY SUIT NO.2583 OF 2006

Simex International ...Plaintiff.

vs.

Siddhivinayak Industries. ...Defendant

Mr.P.H.Bhatt, for Plaintiff.

Mr.R.B.Upadhyay, for Defendant.

CORAM: D.K.DESHMUKH, J.

DATED: 6th MARCH,2007.

P.C.:

1. From the plaint it is clear that the plaintiff is actually claiming the amount which is due at the foot of the accounts. The defendant has disputed that those amounts are payable. It also appears that the plaintiff has suppressed the facts from the Court that in the plaint the statement has been made that the cheques have been dishonoured. However, it is an admitted position that the date on which the suit was filed the cheques were not dishonoured cheques, but they were honoured by the

bank.

2. There is substantial defence to be offered by the defendant. Therefore, the defendant is entitled to unconditional leave to defend. The summons for judgment is disposed of. The defendant is granted unconditional leave to defend the suit. Written statement to be filed within four weeks.